IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8329 of 2005

Between:

P. Ramu, S/o. P. Srihari Prasada Rao, aged 24 years,
R/o. Gurukrupa Ist Lane, Rajendranagar, Guntur.

..... PETITIONER

AND

1 The Addl. D.G.P., Intelligence, Andhra Pradesh,Hyderabad.
2 The Superintendent of Police, Guntur District, Guntur.
3 The Sub-Divisional Police Officer, Guntur Town.
4 The Station House Officer, Pattabhipuram (L &O),Guntur.
5 The Immigration Officer, Chennai International Report,Chennai.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents 1 to 4 in not withdrawing the message dt. 07-10-2004 in spite of later developments as illegal, unconstitutional and consequently direct the respondents 1 to 4 to withdraw the message dt. 07-10-2004 and then intimate Respondent-5 and other concerned for withdrawal of the message.

Counsel for the Petitioner:MR.K.S.MURTHY

Counsel for the Respondent Nos.1 to 5: GP FOR HOME

The Court made the following :

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O R D E R:

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The petitioner questions the radio message issued by the 3rd respondent-Sub-Divisional Police Officer, Guntur in C.No.648/SDPO.GT/2k4, dated 07.10.2004, which reads as follows:

> *"Ref: Cr.No.223/04 U/s 498-A, 342, 419 IPC of Pattabhipuram L & O.P.S., dt.02.10.04 (.) In continuation of my earlier message dt.04.10.2004 the accused Polisetty Ramu @ Ramu P S/o Sri Harichandra Prasad Rao, 23 years, Vysya, Rajendra Nagar, 1st line, holds an Indian Passport Number B0513522 issued by the Regional Passport Office, Hyderabad (.) Hence request to include his name in look out circular (LOC) as he is likely to leave the country shortly (.) All the chief Immigration Officers (Ch.I.O.s) of the International Airports may be informed to detain him if he is leaving from their airports (.) We may be informed by phone: 0863 – 2241152: Cell 04407 96204 of S.D.P.O. Guntur Town or to S.P.Guntur by FAX: 0863-2359228 or PH: 0863 2352100, 2352399, Cell 94407 96200 (.) "*

It is stated that the petitioner is a businessman and he got married one Prathibha Rani of Guntur. But, due to some socio economic cultural background, the petitioner took divorce before the Lok Adalat on 05.07.2004 and after that his wife gave a complaint before the Station

House Officer, Pattabhipuram, Law and Order Police Station, Guntur, on which, a case was registered against the petitioner on 02.10.2004, thereafter the petitioner obtained anticipatory bail on 14.10.2004 and also stay of all further proceedings before the Human Rights Court-cum-I Additional Sessions Judge, Guntur by order dated 26.10.2004. It is further stated that the petitioner is planning to visit Europe and therefore he has obtained appropriate travel documents including VISA etc. On 06.04.2005 the petitioner was detained at Chennai Airport by the 5th respondent saying that an alert has been sounded by the police from Guntur through the impugned proceedings and therefore, he was not allowed to go abroad. It is stated that the petitioner has made a representation before the

2nd respondent-Superintendent of Police, Guntur stating that he is in Tobacco business which needs lot of exports to be done and therefore he has to visit foreign countries for his business purpose and finally requested the second respondent stating that he is ready to fulfill any conditions for permitting him to leave for foreign countries for a short period and he is also ready to furnish any security for the said purpose. But, the 2nd respondent has not considered the said representation of the petitioner.

Having regard to the facts and circumstances of the case,

the 2nd respondent is directed to consider the representation of the petitioner dated 11.04.2005 within a week from the date of receipt of a copy of this order and intimate the same to the respondent No.5 as well as the petitioner.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH, J

Dated:15-04-2005

CCM/BSB

To:

1 The Addl. Director General of Police, Intelligence, Andhra Pradesh,Hyderabad.
2 The Superintendent of Police, Guntur District, Guntur.
3 The Sub-Divisional Police Officer, Guntur Town.
4 The Station House Officer, Pattabhipuram (L &O),Guntur.
5 The Immigration Officer, Chennai International Report,Chennai.

6 Two CCs to the G.P. for Home, High Court buildings,

A.P.Hyderabad (OUT)

7 Two CD copies.